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FOR PUBLIC AFFAIRS STAFF

PROGRAM Eyewitness News at 5:00

STATION WDVM TV

DATE April 20, 1982 5:00 PM CITY Washington, DC

SUBJECT Secrecy Law

STEVE GENDEL: Is a new federal secrecy law unnecessary protection for agencies like the CIA, or is it a threat to our constitutional freedoms?

Commentators Pat Buchanan and Tom Braden can't agree on the answer.

PAT BUCHANAN: Tom, the Senate has passed a bill which would mae the identity of US intelligence agents, even if the information was gleaned from the public records. Are you not a little bothered by the threat this represents to our cherished First Amendment freedom of the press?

TOM BRADEN: I am, Pat. And you are a reporter, and you should be too. Let me give you an example of how this law might work to the disadvantage of all.

Suppose that about a year ago, you'd been writing about shipments of arms to Libya. You kept running across the trail of a couple of guys named Wilson and Terpil [?]. You discover that they are sending arms to Qaddafi. You keep your ears open and your nose to the ground, Pat, and you find out that Wilson and Terpil are former CIA agents and have connections to another fellow stil in the CIA. You get your facts, you go with the story, and under this law you could wind up in jail.

Now I know that Senator John Chafee of Rhose Island says you wouldn't. He says that if a reporter is exposing wrong doing by CIA agents, no jury would convict. But the law makes no such guarantee, Pat. The law simply says you can't name agents. And when you come to trial, Pat, John Chafee may be hard to get on the phone.

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This law has been worded carelessly. If the intent is to stop the ilk [?] of Philip Agee, why not write a law which punishes anybody who intends to name agents? Agee admits that this is his goal. So, write a law to punish him. Send him to jail where he belongs.

But this law might send you to jail, Pat. And believe me, I wouldn't want to see that. Neither would Justice Renquist. I hope he votes with the majority to throw it out.

BUCHANAN: Tom, upon what meat have the little Ceasars of the Fourth Estate been feeding that we are grown so great? We have claimed the right to penetrate the grand jury in pursuit of a hot story. Woodward and Bernstein did. We have claimed the right to have our secrets protected even if an innocent man went to jail for life, or the national security secrets of the United States government are considered fair game.

We have claimed the right to publish the confidential notes of the morning meetings of the Secretary of State, no matter the damage to American foreign policy, and then defended this seedy little scoop by invoking the people's right to know.

Tom, I may be mistaken, but I think the American people have had it up to here with the claim of the national press to superior rights and special privilege.

The First Amendment is not absolute. If one of our people uses it as a cover to ferret out and publish the names of American intelligence agents, here or abroad, terminating their usefulness to the American government, and perhaps endangering their lives, the scoundrel who does that, Tom, should go to prison, whether he carries a press card or not.

The First Amendment rights and the constitutional responsibilities of those on this side of the television camera are no less and no greater than those on the other side. Right?

BRADEN: I'll testify as to your character, Pat, but not as to your opinion.

I'm Tom Braden, with Pat Buchanan.